

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 9604 of 2003

Between:

B.Karunkar Raju, S/o Balraju,
Aged about 26 years,
R/o H.No.1-4-10, Rajendranagar,
Mahaboobnagar.

..... PETITIONER

AND

1.The Convenor, Ed.Cet-2003,
Osmania University, Hyderabad.
2.Government of A.P. rep. by its
Secretary, Department of Higher Education,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in nature of writ of mandamus declaring the Ed.CET 2003 notification dated 07-04-2003 is illegal, arbitrary and violative of Article 14 and 21 of Constitution of India in so far in not giving relaxation of 5% qualifying marks to the physically handicapped candidates for writing the ED CET, 2003 and consequently direct the respondents to give relaxation in qualifying marks to the physically handicapped candidates.

Counsel for the Petitioner:MR.P.GIRI KRISHNA

Counsel for the Respondent No.1: Mr.Deepak Bhattachargee

Counsel for the Respondent No.2: GP FOR SCHOOL EDUCATION

The Court made the following Order:

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In this writ petition, petitioner seeks to challenge the notification issued by the 1st respondent-Convenor, Ed.CET, 2003, Osmania University, Hyderabad, inviting applications for the Common Entrance Test for entry into one year B.Ed Course in the State of Andhra Pradesh for the academic year 2003-2004 wherein relaxation of 5% qualifying marks has not been provided in favour of the Physically Handicapped persons.

The learned counsel for the petitioner contended that 5% relaxation of qualifying marks is granted to the Physically Handicapped persons in DIET, 2003 a Common Entrance Test for the Teacher Training Course for the candidates who have completed intermediate course, but the 1st respondent is not providing similar relaxation to the Physically Handicapped persons in Ed CET, 2003 a Common Entrance Test for B.Ed Course for the candidates who have completed graduation, which amounts to discrimination and violation of Article 14 and 21 of the Constitution of India and, therefore, prayed to issue directions to the respondents to provide similar relaxation in percentage of marks to the Physically Handicapped persons who are seeking admission into Ed.CET, 2003.

It is well settled that the concept of minimum qualifying percentage of marks provided is meant for selecting the candidates and allotting the successful candidates to the course. If at all, there can be a departure that has to be minimal and that too can be done only by

approval of experts in the field of education but not by the Courts, providing relaxation of 5% marks to the candidates who are appearing for the DIET, 2003, is for intermediate level and whereas notification issued seeking admission to the B.Ed course is for graduate level and the petitioner cannot plead discrimination since both the courses are different. The learned counsel for the petitioner justifies the stand taken by the petitioner with regard to the above discrimination on the ground that both of them are eligible to be appointed as Special Grade Teachers.

Since the admissions had already been over, no such direction can be issued for providing relaxation in favour of the Physically Handicapped persons but it is for the Government to consider in giving relaxation to the Physically Handicapped persons for the future years. Therefore, I see no force in the submissions made by the learned counsel for the petitioner.

The writ petition is accordingly dismissed. No order as to costs.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

- 1.The Convenor, Ed.Cet-2003,
Osmania University, Hyderabad.
- 2.The Secretary, Government of A.P.,
Department of Higher Education,
Secretariat, Hyderabad.
- 3.Two CCs to the Government Pleader for School Education, High Court

Buildings, A.P., Hyderabad. (OUT)
4.Two CD copies.

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